Attachment 4

GENERAL SPECIFICATIONS—MAGAZINE CONSTRUCTION

Magazines constructed according to the following minimum specifications are approved as **bullet-resistant**.

a. Exterior of **steel**:
   1) 5/8-inch (15.9 mm) **steel** with an interior lining of any type of non-sparking material.
   2) 1/2-inch (12.7 mm) **steel** with an interior lining of not less than 3/8-inch (9.5 mm) **plywood**.
   3) 3/8-inch (9.5 mm) **steel** with an interior lining of:
      (i) 2 inches (51 mm) of **hardwood**, or
      (ii) 3 inches (76 mm) of **softwood**, or
      (iii) 2-1/4 inches (57 mm) of **plywood**.
   4) 1/4-inch (6.4 mm) **steel** with an interior lining of:
      (i) 3 inches (76 mm) of **hardwood**, or
      (ii) 5 inches (127 mm) of **softwood**, or
      (iii) 5-1/4 inches (133 mm) of **plywood**, or
      (iv) 1-1/2 inches (38 mm) of **plywood** with an intermediate layer of 2 inches (51 mm) of **hardwood**, or
      (v) 5-1/4 inches (133 mm) of **particle board**.
   5) 3/16-inch (4.8 mm) **steel** with an interior lining of:
      (i) 4 inches (102 mm) of **hardwood**, or
      (ii) 7 inches (178 mm) of **softwood**, or
      (iii) 6-3/4 inches (171 mm) of **plywood**, or
      (iv) 3/4 inches (19 mm) of **plywood** with an intermediate layer of 3 inches (76 mm) of **hardwood**, or
      (v) 6-3/4 inches (171 mm) of **particle board**.
   6) 1/8-inch (3.2 mm) **steel** with an interior lining of:
      (i) 5 inches (127 mm) of **hardwood**, or
      (ii) 9 inches (229 mm) of **softwood**, or
      (iii) 3/4 inches (19 mm) of **plywood** with an intermediate layer of 4 inches (102 mm) of **hardwood**, or
      (iv) 3/4 inches (19 mm) of **plywood** with a first intermediate layer of 3/4-inch (19 mm) **plywood** and a second intermediate layer of 3-5/8 inches (92 mm) of well-tamped dry sand or sand/cement mixture.

b. Exterior of any type of **fire-resistant** material which is structurally sound with:
   1) An interior lining of 1/2-inch (12.7 mm) **plywood** placed securely against an intermediate layer of:
      (i) 4 inches (102 mm) of solid concrete block, or
      (ii) 4 inches (102 mm) of solid brick, or
      (iii) 4 inches (102 mm) of solid concrete.
   2) An interior lining of 3/4 inches (19 mm) of **plywood** and a first intermediate layer of 3/4-inch (19 mm) **plywood**, a second intermediate layer of 3-5/8 inches (92 mm) of well-tamped dry sand or sand/cement mixture, a third intermediate layer of 3/4-inch (19 mm) **plywood**, and a fourth intermediate layer of 2 inches (51 mm) of **hardwood** or 14-gauge **steel**.
   3) An intermediate 6-inch (152 mm) space filled with well-tamped dry sand or well-tamped sand/cement mixture.

c. Masonry construction of:
   1) Standard 8-inch (203 mm) concrete block with voids filled with well-tamped dry sand or well tamped sand/cement mixture, or
   2) Standard 8-inch (203 mm) solid brick, or
   3) 8-inch (203 mm) thick solid concrete, or
   4) Two 4-inch (102 mm) thicknesses of concrete block.

Construction guidelines for Type 1 magazines are shown by Plates 1 through 8 entitled "Detailed Examples for Type 1 Magazines", pages 14 through 21.

Illustrations of Types 1, 2, 3, 4, and 5 magazines are shown on pages 22 through 28.

TYPE 1 MAGAZINES

A Type 1 magazine shall be a permanent structure such as a building, igloo, tunnel or dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant and ventilated.

EXCAVATION and FOUNDATION—Footings for concrete, concrete block, stone, or brick shall be of concrete and shall be designed and constructed in accordance with approved building standards.

Foundations shall be constructed of concrete, concrete blocks, stone, brick, metal or wood and shall be completely enclosed except for vent openings to provide for magazine ventilation. If piers or posts are used, space under magazine must be enclosed with metal.

The ground around a magazine shall be graded in such a manner that water will drain away from the magazine.

WALL CONSTRUCTION—Walls shall be constructed of a combination of steel, masonry or other materials which are fire-resistant and structurally sound, as shown in Plates 1, 2, and 6.

Any wood on the exterior of the magazine shall be covered with a material offering reasonable protection against fire.

Voids in standard concrete blocks must be filled with well-tamped dry sand or well-tamped sand/cement mixture.

Lattice lining as shown on Plates 1 and 2 must be installed to aid in ventilating the magazine.

NOTE: Painting the exterior walls of the magazine an aluminum or light color will increase surface reflection and reduce heating of the interior of the magazine.

FLOOR—The floor shall be constructed of wood or other approved materials. Plates 1, 2, and 3 show masonry magazines with foundation, ventilation and wood flooring.

ROOF or CEILING—The roof shall be constructed of structurally sound materials which are, or have been made, fire-resistant on the exterior.

Where the natural terrain around the magazine makes it possible to shoot a bullet through the ceiling or roof at such an angle that a bullet could strike the material stored in the magazine, then either the roof or ceiling shall be of bullet-resistant construction.

When required, a bullet-resistant roof shall be constructed according to any of the wall sections shown on Plate 6.

A bullet-resistant ceiling shall be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. The bullet-resistant ceiling shall be constructed according to any of the wall sections shown on Plate 6 or by installing a 4 inch (102 mm) thick sand tray as shown on Plates 1 and 2.

Other methods of construction for a ceiling that have been tested and found to be bullet-resistant are: (a) 20 gauge steel with 4-inches (102 mm) hardwood, and (b) 18 gauge aluminum with 7-inches (178 mm) hardwood.

DOORS and LOCKS—Doors shall be constructed according to any of the wall sections shown on Plate 6 which are practical. Commonly used door construction and details are shown on Plates 7 and 8.

Each door shall fit tightly. Hinges, hasps and all locking hardware shall be rigidly secured and fastened by welding or by through bolts which cannot be removed when the door is locked.

Approved locking methods include:

(a) Two mortise locks; or

(b) Two padlocks fastened in separate hasps and staples. Padlocks should be steel, having at least five tumblers and at least 3/8-inch (9.5 mm) diameter case-hardened shackle. All padlocks should be protected by steel hoods made from 1/4-inch (6.4 mm) minimum thickness steel and installed in such a manner as to discourage insertion of bolt-cutters, saws, files or levering devices; or

(c) Combination of a mortise lock and a hooded padlock; or

(d) Mortise lock that requires two keys to open; or

(e) Three-point lock or equivalent-type lock that secures the door to the frame at more than one point.

NOTE: Doors that are secured by at least two substantial internal bolts or bars do not require additional locking devices on the exterior.

VENTILATION—Adequate ventilation shall be provided to prevent dampening and heating of stored explosive materials. Climatic conditions, magazine size and location will determine the amount of ventilation required. The generally accepted minimum ventilation area is 0.2 square inches per/cubic foot of magazine space.

Recommended ventilation is as follows:

Wall or foundation—4 inch (102 mm) x 8 inch (203 mm) openings on 6-foot (1.83 m) centers around the magazine.

Roof (globe-type ventilator)—One 12-inches (305 mm) diameter per each 12-feet (3.66 m) of magazine length or one 10-inch (254 mm) diameter per each 10 feet (3.05 m) of magazine length.

Ventilating openings shall be screened as shown on Plate 4 to prevent the entrance of sparks and rodents.

As shown on Plate 4 ventilation openings in foundations and walls shall be offset or shielded for bullet-resistant purposes.

For magazine security, ventilating openings shall not be larger than 6 inch (152 mm) x 12 inch (305 mm) or 12 inches (305 mm) in diameter.

Ventilators shall be so spaced as to permit an even air flow throughout the entire magazine interior. Magazine walls must be provided with wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.

TYPE 2 MAGAZINE

A Type 2 magazine is a portable or mobile structure such as a skid-magazine, trailer or semi-trailer. Any of the wall construction specifications for a Type 1 magazine are acceptable for a Type 2 outdoor magazine.

The magazine shall be supported in such a manner as to prevent the floor from being in contact with the ground. A magazine of less than one cubic yard in size must be fastened to a fixed object to prevent theft of the entire magazine.

Hinges, hasps, locks and locking hardware shall conform to provisions for Type 1 magazines.

Vehicular magazines shall be immobilized by removing the wheels, locking with a kingpin locking device, or by other approved measures.

TYPE 3 MAGAZINE

A Type 3 magazine is a "day box" or other portable magazine. It must be theft-resistant, fire-resistant and weather-resistant (does not have to be bullet-resistant).

Minimum specifications require that a "day box" be constructed of not less than 12-gauge (.1046 inch) (2.66 mm) steel, lined with 1/2-inch (12.7 mm) hardboard or plywood. The door or lid must overlap the door opening by at least 1 inch (25 mm). Hinges, hasps, and panels shall be welded, reveled, or bolted (with nuts on inside) so they cannot be removed or disassembled from the outside.

The magazine shall be equipped with at least a five tumbler steel padlock (which need not be protected by a steel hood) having at least a 3/8-inch (9.5 mm) diameter case-hardened shackle. Explosive materials are not to be left unattended in Type 3 magazines and must be removed to Type 1 or Type 2 magazines.

TYPE 4 MAGAZINE

A Type 4 magazine may be a permanent, portable, or mobile structure such as a building, igloo, box, semi-trailer, or other mobile container. It shall be fire, weather, and theft-resistant, but it does not need to be bullet-resistant.

Construction shall be of masonry, wood covered with metal, fabricated metal, or a combination of these materials. Permanent Type 4 magazines shall be constructed according to Type 1 magazine requirements with respect to foundations, floors, ventilation, and locking devices.

NOTE: Over-the-road trailers or semi-trailers used for temporary storage as Type 4 magazines need not be ventilated.

Unattended vehicular Type 4 magazines shall have wheels removed or shall be immobilized by kingpin locking devices.

TYPE 5 MAGAZINE

A Type 5 magazine may be a building, an igloo or Army-type structure, a dugout, a bin, a box, a trailer, or a semi-trailer, or other mobile facility. It shall be weather and theft-resistant but need not be bullet-resistant. Permanent Type 5 magazines shall be ventilated in accordance with Type 1 magazine requirements but mobile and bin-type facilities do not have to be ventilated.

Construction shall be of masonry, wood covered with metal, fabricated metal, or a combination of these materials. Foundations, floors, and ventilation shall be in accordance with Type 1 magazine requirements. Doors shall be of metal or wood covered with metal. Only one locking device is required per door or cover. Locks on bins or mobile units do not require lock hoods.

NOTE: Vehicular or bin Type 5 magazines do not require ventilators.

Unattended vehicular Type 5 magazines shall have wheels removed or shall be immobilized by kingpin locking devices. Placards required by DOT must be displayed on all Type 5 magazines containing blasting agents.

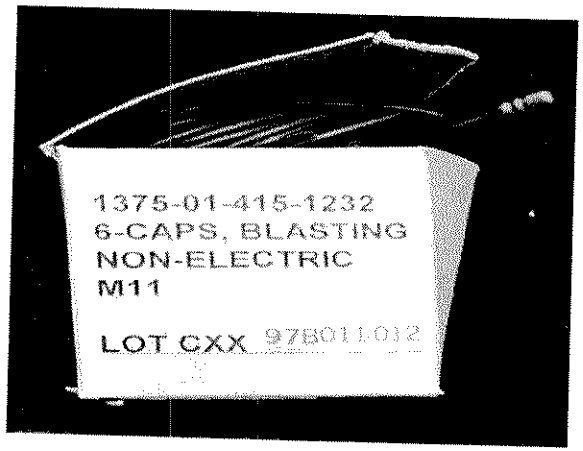
INDOOR STORAGE

Magazines used for indoor storage shall be fire and theft-resistant. They do not have to be weather and bullet-resistant.

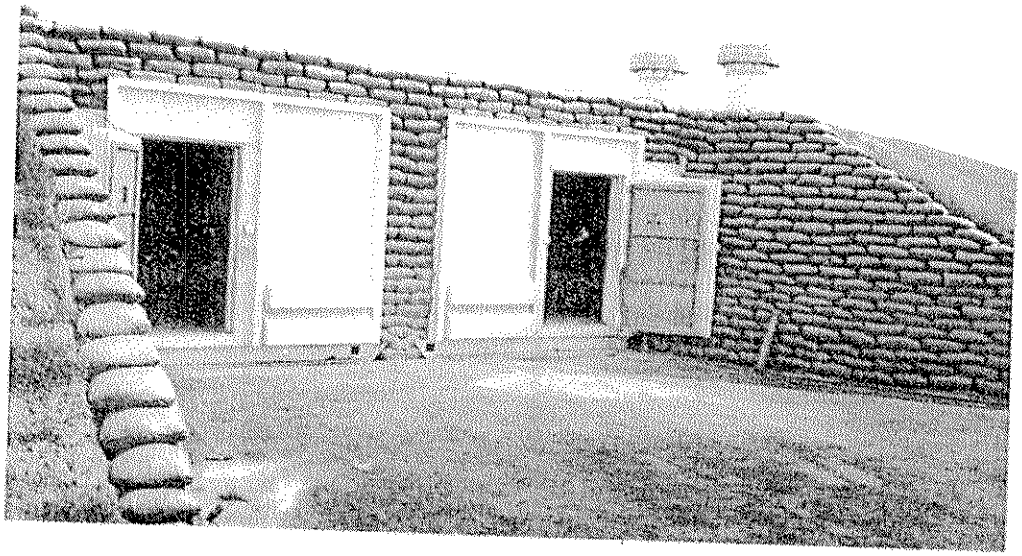
No indoor storage facility shall contain more than 50 pounds (22.7 kg) of explosive materials or more than 5,000 detonators. When explosive materials and detonators are stored in the same building they shall be stored in separate magazines.

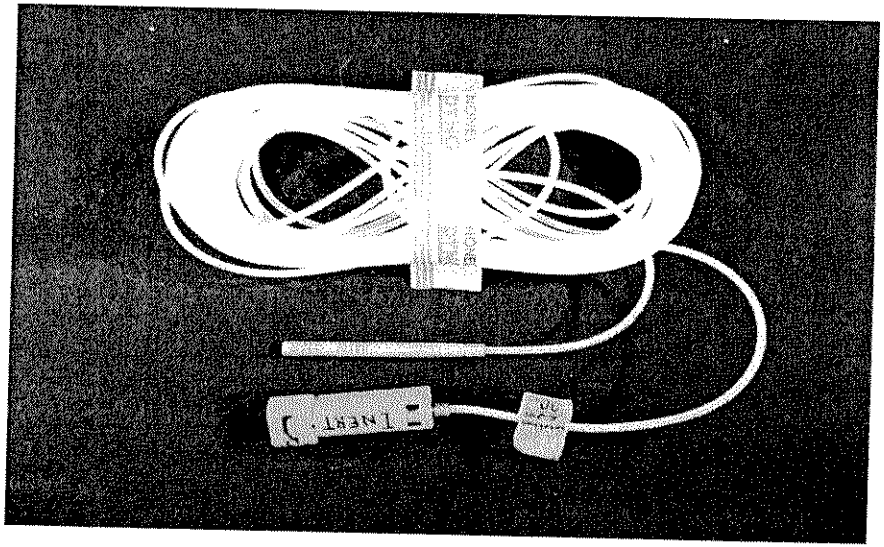
NOTE: No indoor storage magazine for explosive materials shall be located in a residence or dwelling.

Attachment 5



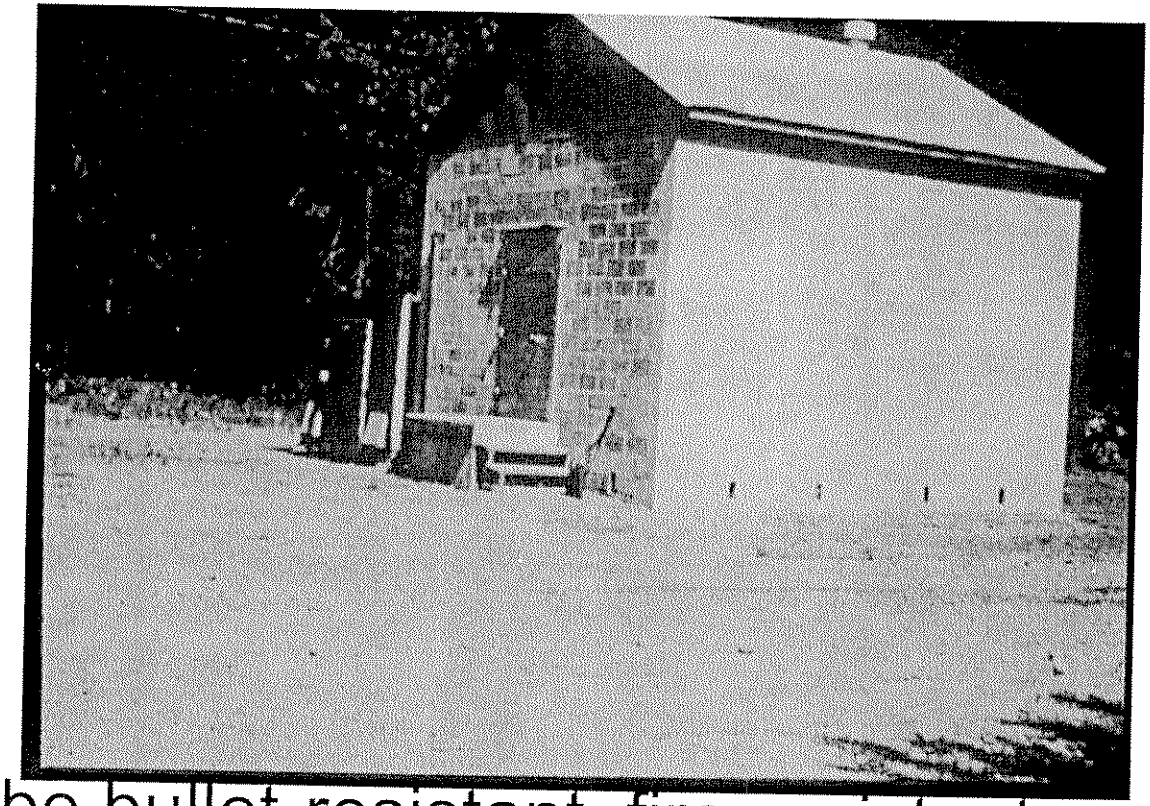
Magazine Construction & Storage Requirements





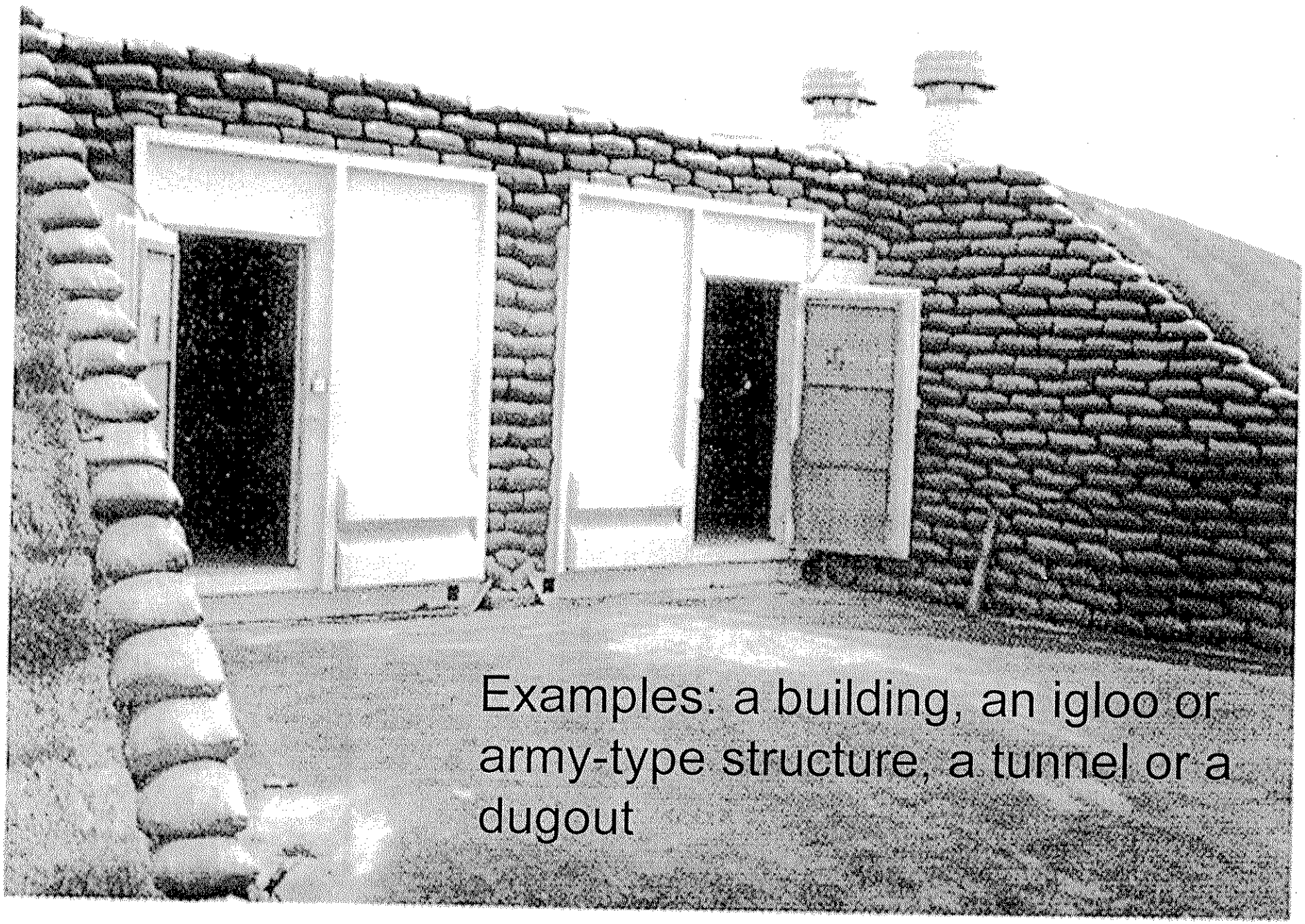
Type 1 Magazine Construction

Permanent structure for the storage of high explosives

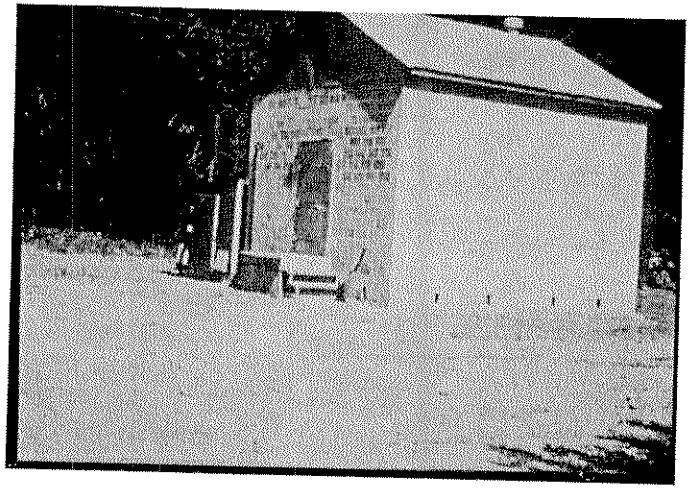


Must be bullet-resistant, fire-resistant, weather-resistant, theft-resistant and ventilated.

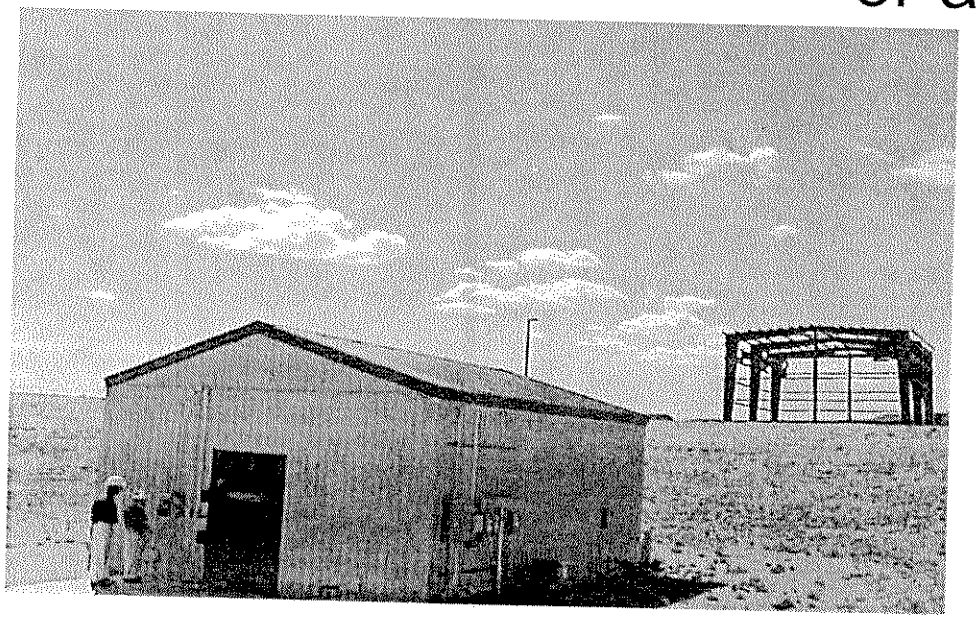
27 CFR 555.207


Examples: a building, an igloo or army-type structure, a tunnel or a dugout

Type 1 Magazine Construction



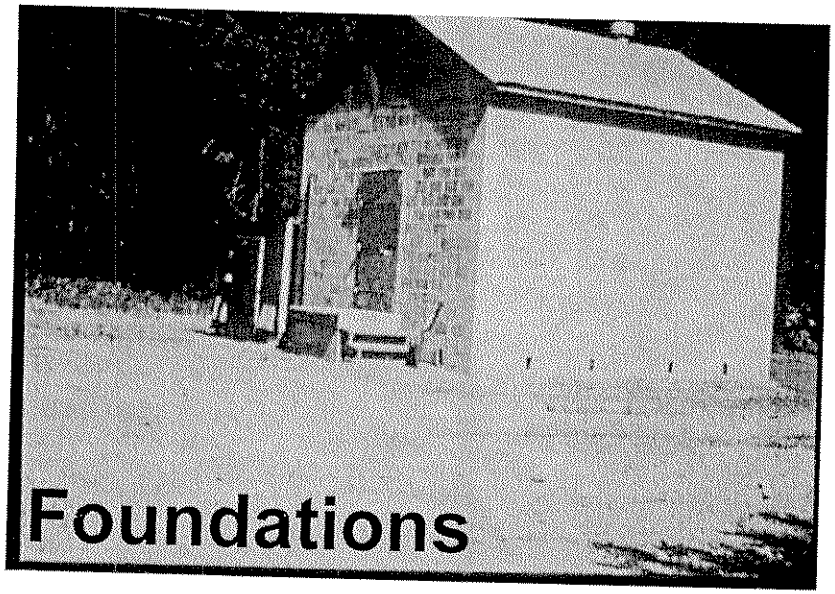
- **Masonry wall** - 6" brick concrete, cement block, tile, or cinder blocks. *Hollow masonry units must be filled according to 27 CFR 555.207(a)(1)*
- **Metal wall** -14 gauge steel or aluminum lined with:



- Brick or concrete blocks
- 4" hardwood
- 6" sand between inner and outer walls

27 CFR 555.207

Type 1 Magazine Construction



-Brick

- Concrete

- Cement block

- Stone

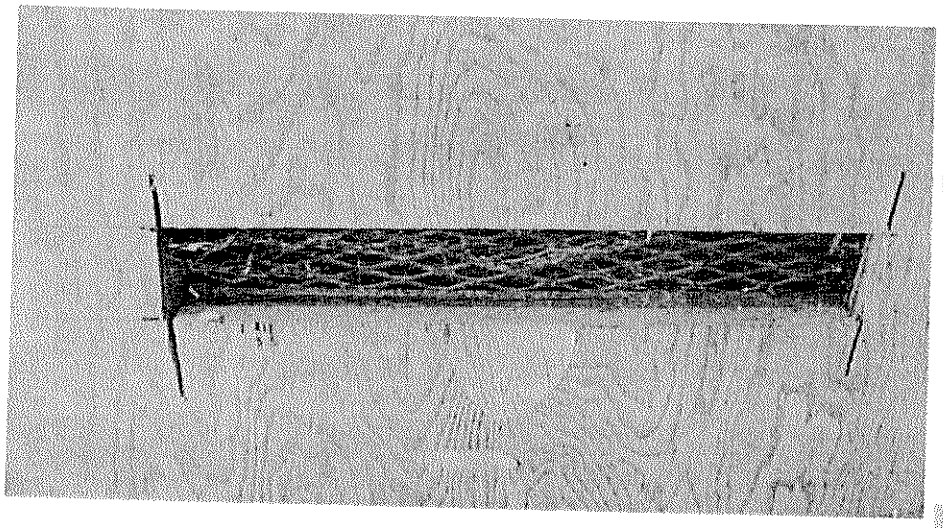
- Wood posts (Crawl space metal enclosed)

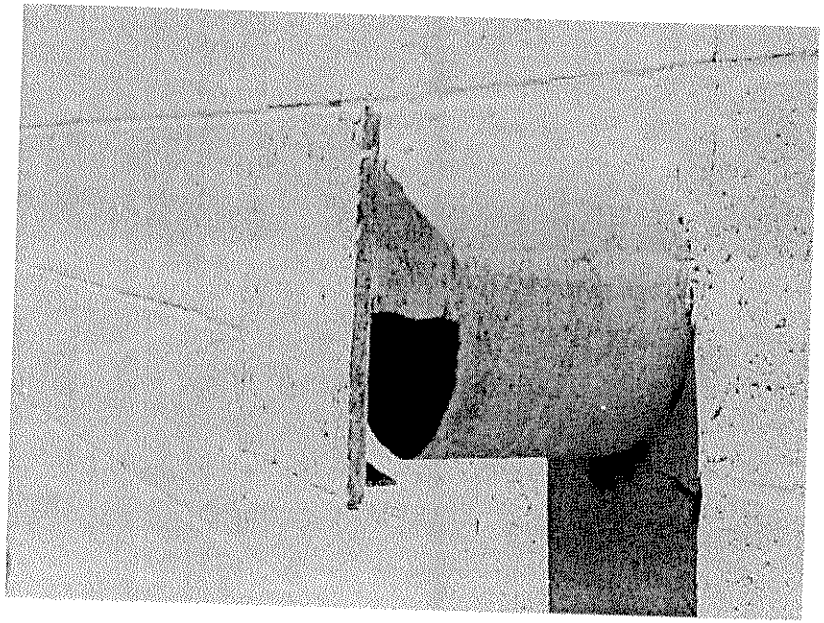
- **Wood wall**
  - Exterior covered with 26 gauge steel or aluminum and
  - Inner wall (non-sparking) with not less than 6" space between inner & outer wall, filled with coarse, dry sand or weak concrete
- **Floors** – non-sparking
- **Doors** – not less than ¼" plate steel and 2" hardwood

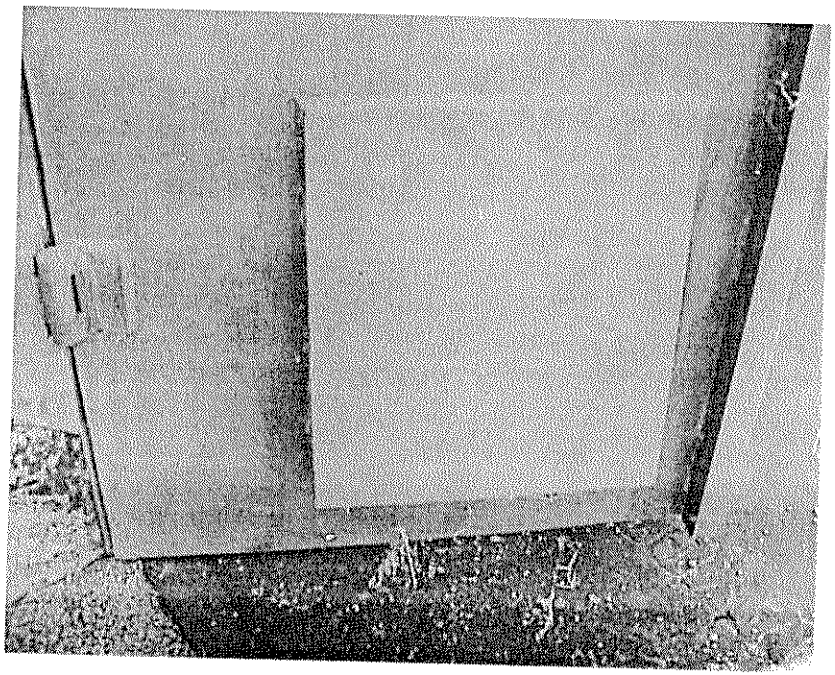
27 CFR 555.207

Type 1 Magazine Construction

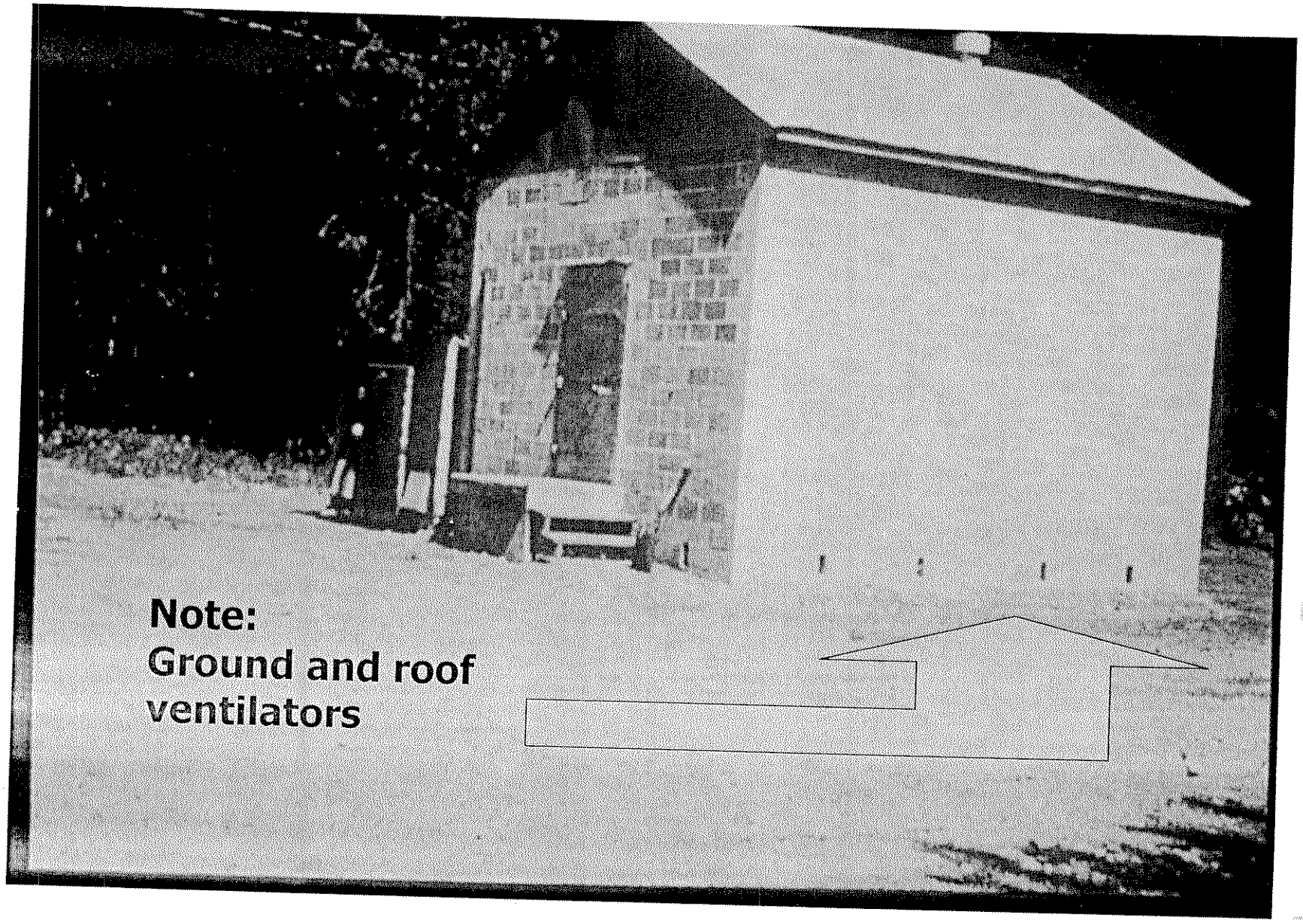
Ventilated





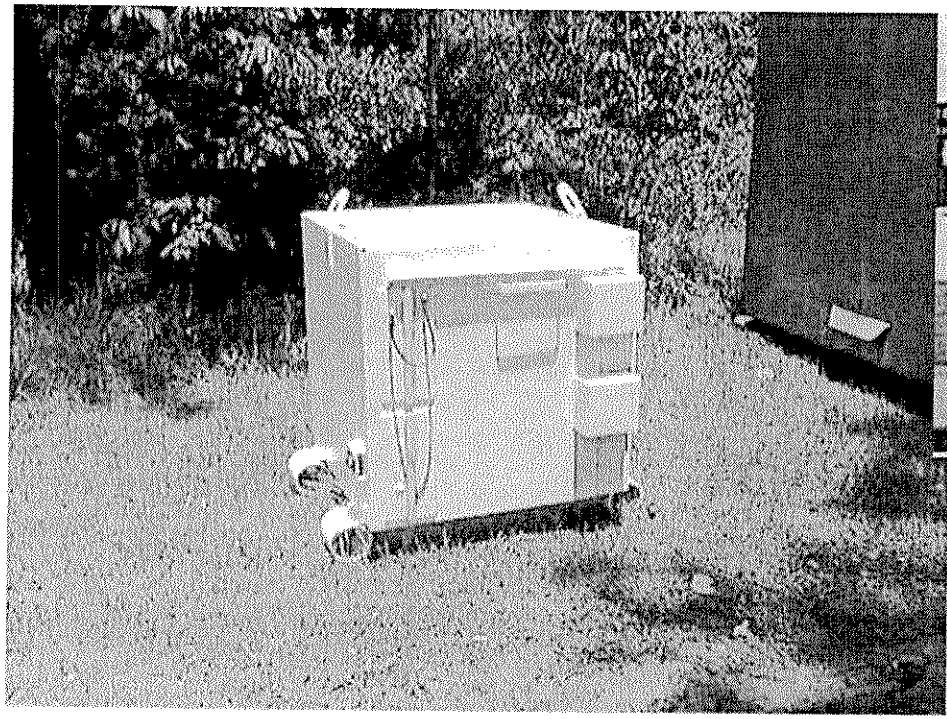


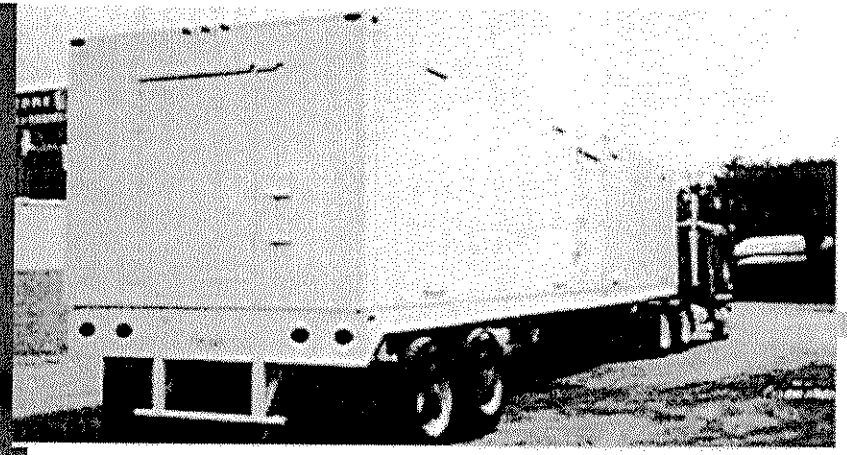
Type 1:



Type 2 Magazine Construction

A portable or mobile magazine for the storage of high explosives that may be indoor or outdoor.





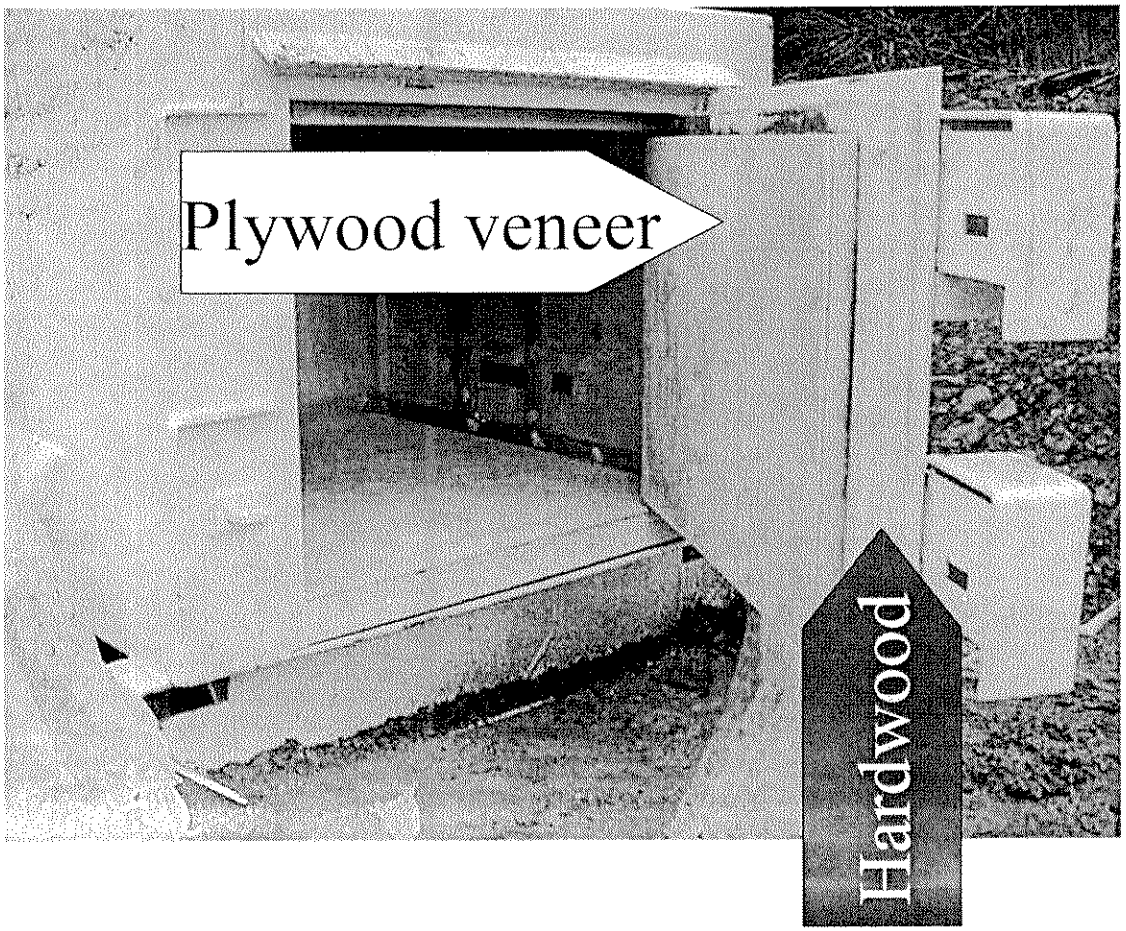
Bullet-resistant, fire-resistant, weather-resistant, theft-resistant and ventilated

Examples: a box, trailer, semi-trailer, etc.

27 CFR 555.208

Type 2 Magazine Construction

Outdoor magazines



¼" steel-lined with 2 inches of hardwood

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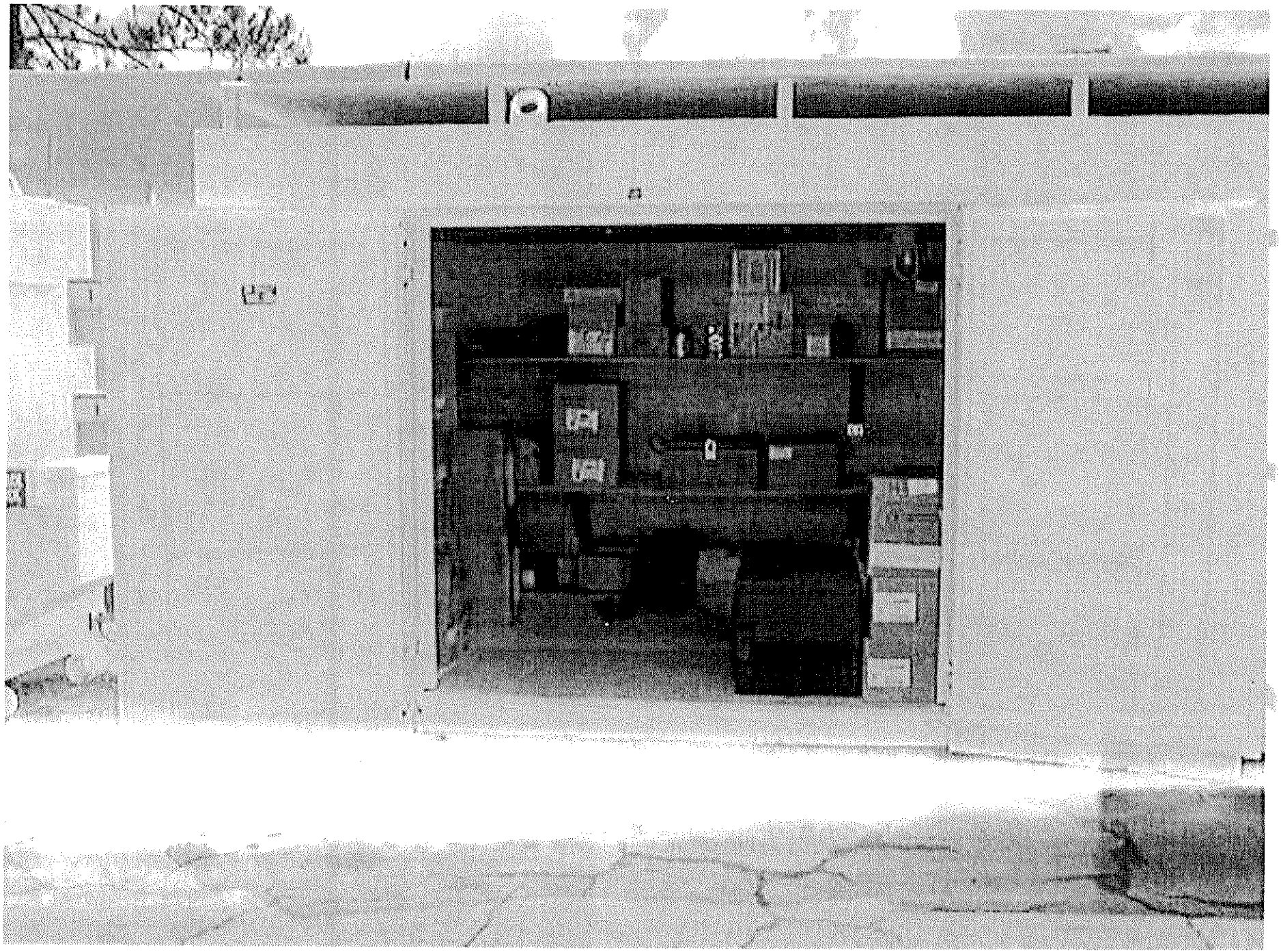
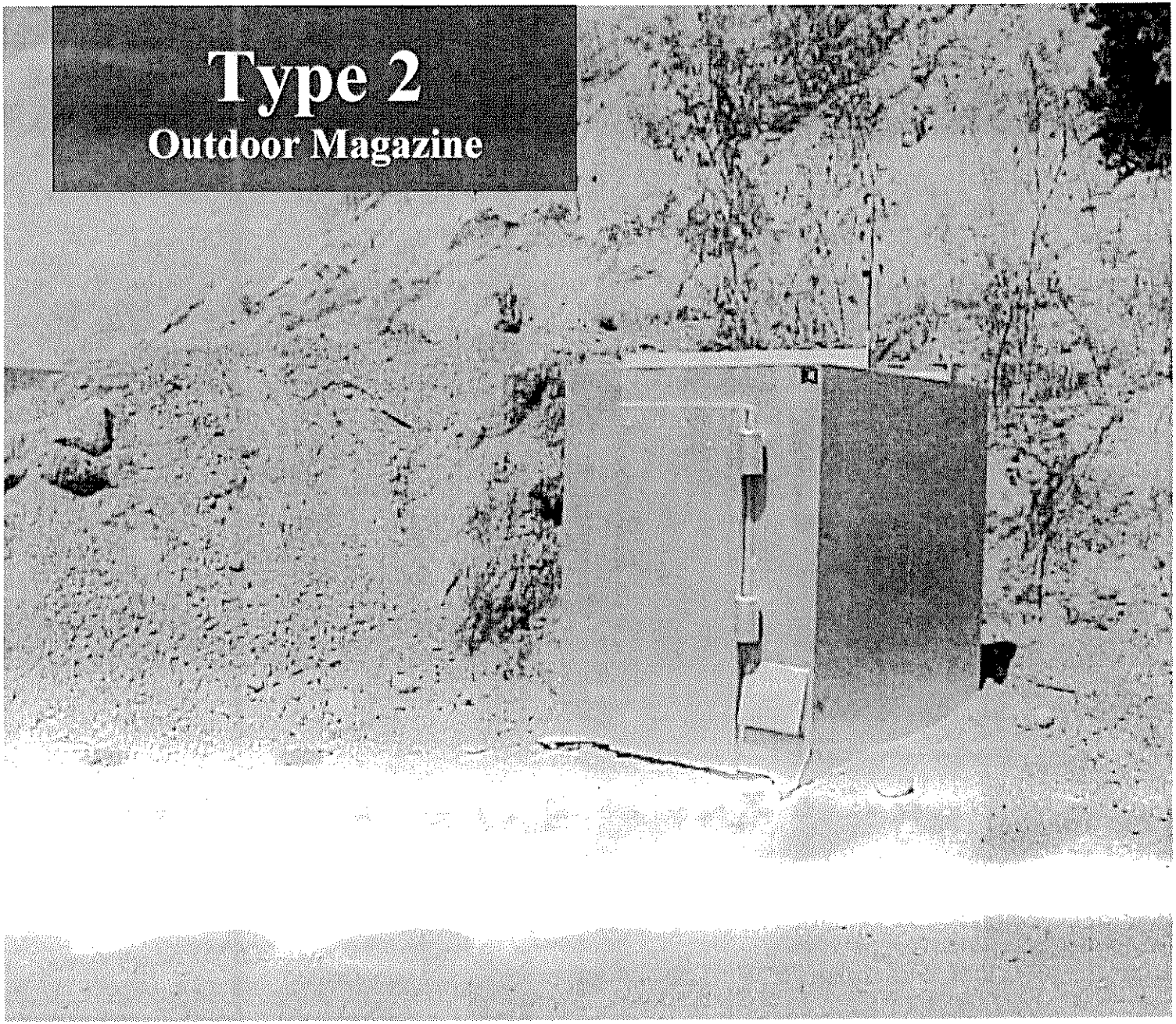
*IME recommends 3 inches of hardwood

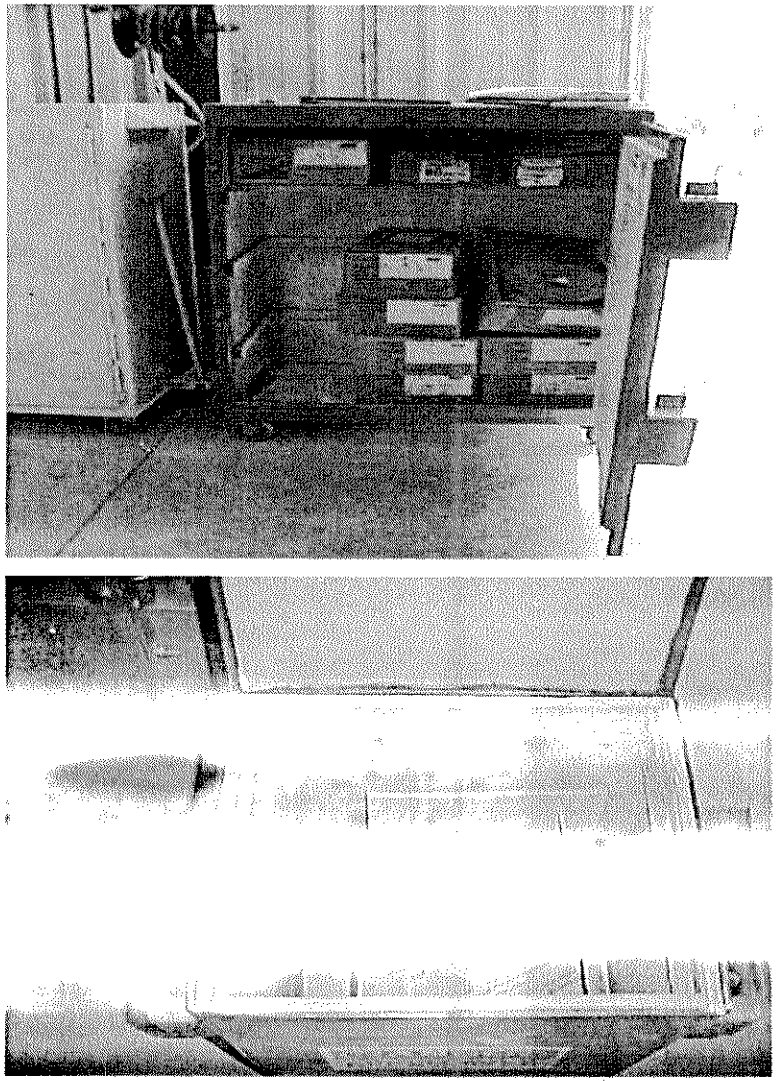


Type 2
Outdoor Magazine



Type 2 Magazine Construction

Indoor Magazines



- Fire-resistant and theft-resistant *(need not be weather or bullet resistant if building in which they are stored provide protection from weather and bullet penetration)*
- 2 inches of hardwood covered with 26 gauge sheet metal. Interior nails must be countersunk or covered
- [illegible] metal lined with [illegible] must overlap sides by 1”

27 CFR 555.208

Attachment 6

Subpart K—Storage

§ 55.201 General.

(a) Section 842(j) of the Act and § 55.29 of this part require that the storage of explosive materials by any person must be in accordance with the regulations in this part. Further, section 846 of this Act authorizes regulations to prevent the recurrence of accidental explosions in which explosive materials were involved. The storage standards prescribed by this subpart confer no right or privileges to store explosive materials in a manner contrary to State or local law.

(b) The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any alternate explosive magazine construction approved by the Director prior to August 9, 1982, will continue as approved unless notified in writing by the Director. Any person intending to use alternate magazine construction shall submit a letter application to the regional director (compliance) for transmittal to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved.

(c) A licensee or permittee who intends to make changes in his magazines, or who intends to construct or acquire additional magazines, shall comply with § 55.63.

(d) The regulations set forth in §§ 55.221 through 55.224 pertain to the storage of display fireworks, pyrotechnic compositions, and explosive materials used in assembling fireworks and articles pyrotechnic.

(e) The provisions of § 55.202(a) classifying flash powder and bulk salutes as high explosives are mandatory after March 7, 1990:

Provided, that those persons who hold licenses or permits under this part on that date shall, with respect to the premises covered by such licenses or permits, comply with the high explosives storage requirements for flash powder and bulk salutes by March 7, 1991.

(f) Any person who stores explosive materials shall notify the authority having jurisdiction for fire safety in the locality in which the explosive materials are being stored of the type, magazine capacity, and location of each site where such explosive materials are stored. Such notification shall be made orally before the end of the day on which storage of the explosive materials commenced and in writing within 48 hours from the time such storage commenced.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-293, 55 FR 3722, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45003, Aug. 24, 1998]

§ 55.202 Classes of explosive materials.

For purposes of this part, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

(a) High explosives. Explosive materials which can be caused to detonate by means of a blasting cap when unconfined, (for example, dynamite, flash powders, and bulk salutes). See also § 55.201(e).

(b) Low explosives. Explosive materials which can be caused to deflagrate when confined (for example, black powder, safety fuses, igniters, igniter cords, fuse lighters, and "display fireworks" classified as UN0333, UN0334, or UN0335 by the U.S. Department of Transportation regulations at 49 CFR 172.101, except for bulk salutes).

(c) Blasting agents. (For example, ammonium nitrate-fuel oil and certain water-gels (see also § 55.11).

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-293, 55 FR 3722, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45003, Aug. 24, 1998]

§ 55.203 Types of magazines.

For purposes of this part, there are five types of magazines. These types, together with the classes of explosive materials, as defined in § 55.202, which will be stored in them, are as follows:

(a) Type 1 magazines. Permanent magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.206 and 55.213. Other classes of explosive materials may also be stored in type 1 magazines.

(b) Type 2 magazines. Mobile and portable indoor and outdoor magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.206, 55.208(b), and 55.213. Other classes of explosive materials may also be stored in type 2 magazines.

(c) Type 3 magazines. Portable outdoor magazines for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§

55.206 and 55.213. Other classes of explosives materials may also be stored in type 3 magazines.

(d) Type 4 magazines. Magazines for the storage of low explosives, subject to the limitations prescribed by §§ 55.206(b), 55.210(b), and 55.213. Blasting agents may be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.206(c), 55.211(b), and 55.213. Detonators that will not mass detonate may also be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.206(a), 55.210(b), and 55.213.

(e) Type 5 magazines. Magazines for the storage of blasting agents, subject to the limitations prescribed by §§ 55.206(c), 55.211(b), and 55.213.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.204 Inspection of magazines.

Any person storing explosive materials shall inspect his magazines at least every seven days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazines, or unauthorized removal of the contents of the magazines.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.205 Movement of explosive materials.

All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are:

(a) In the process of manufacture;

(b) Being physically handled in the operating process of a licensee or user;

(c) Being used; or

(d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 55.106.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.206 Location of magazines.

(a) Outdoor magazines in which high explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which high explosives are stored, than the minimum distances specified in the table of distances for storage of explosive materials in § 55.218.

(b) Outdoor magazines in which low explosives are stored must be located no closer to inhibited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 55.219, except that the table of distances in § 55.224 shall apply to the storage of display fireworks. The distances shown in § 55.219 may not be reduced by the presence of barricades.

(c)(1) Outdoor magazines in which blasting agents in quantities of more than 50 pounds are stored must be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the table of distances for storage of explosive materials in § 55.218.

(2) Ammonium nitrate and magazines in which blasting agents are stored must be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the table of distances for the separation of ammonium nitrate and blasting agents in § 55.220. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc., may not be less than the distances specified in the table of distances for storage of explosives materials in § 55.218.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-293, 55 FR 3722, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45003, Aug. 24, 1998]

§ 55.207 Construction of type 1 magazines.

A type 1 magazine is a permanent structure: a building, an igloo or "Army-type structure", a tunnel, or a dugout. It is to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

(a) Buildings. All building type magazines are to be constructed of masonry, wood, metal, or a combination of these materials, and have no openings except for entrances and ventilation. The ground around building magazines must slope away for drainage or other adequate drainage provided.

(1) Masonry wall construction. Masonry wall construction is to consist of brick, concrete, tile, cement block, or cinder block and be not less than 6 inches in thickness. Hollow masonry units used in construction must have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls are to be constructed of, or covered with, a nonsparking material.

(2) Fabricated metal wall construction. Metal wall construction is to consist of sectional sheets of steel or aluminum not less than number 14-gauge, securely fastened to a metal framework. Metal wall construction is either lined inside with brick, solid cement blocks, hardwood not less than four inches thick, or will have at least a six inch sand fill between interior and exterior walls. Interior walls are to be

constructed of, or covered with, a nonsparking material.

(3) Wood frame wall construction. The exterior of outer wood walls is to be covered with iron or aluminum not less than number 26-gauge. An inner wall of, or covered with nonsparking material will be constructed so as to provide a space of not less than six inches between the outer and inner walls. The space is to be filled with coarse, dry sand or weak concrete.

(4) Floors. Floors are to be constructed of, or covered with, a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored. Use of pallets covered with a nonsparking material is considered equivalent to a floor constructed of or covered with a nonsparking material.

(5) Foundations. Foundations are to be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings is to be enclosed with metal.

(6) Roof. Except for buildings with fabricated metal roofs, the outer roof is to be covered with no less than number 26-guage iron or aluminum, fastened to at least 7/8 inch sheathing.

(7) Bullet-resistant ceilings or roofs. Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosives within, the magazine is to be protected by one of the following methods:

(i) A sand tray lined with a layer of building paper, plastic, or other nonporous material, and filled with not less than four inches of coarse, dry sand, and located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.

(ii) A fabricated metal roof constructed of 3/16-inch plate steel lined with four inches of hardwood. (For each additional 1/16 inch of plate steel, the hardwood lining may be decreased one inch.)

(8) Doors. All doors are to be constructed of not less than 1/4 inch plate steel and lined with at least two inches of hardwood. Hinges and hasps are to be attached to the doors by welding, riveting or bolting (nuts on inside of door). They are to be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) Locks. Each door is to be equipped with (i) two mortise locks; (ii) two padlock fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a casehardened shackle of at least 3/8 inch diameter. Padlocks must be protected with not less than 1/4 inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(10) Ventilation. Ventilation is to be provided to prevent dampness and heating of stored explosive materials. Ventilation openings must be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations must be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling must have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.

(11) Exposed metal. No sparking material is to be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and side walls, which might be exposed to contact with explosive materials, must be blind nailed, countersunk, or covered with a nonsparking lattice work or other nonsparking material.

(b) Igloos, "Army-type structures", tunnels, and dugouts. Igloo, "Army-type structure", tunnel, and dugout magazines are to be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They must have an earthmound covering of not less than 24 inches on the top, sides and rear unless the magazine meets the requirements of paragraph (a)(7) of this section. Interior walls and floors must be constructed of, or covered with, a nonsparking material. Magazines of this type are also to be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this section.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.208 Construction of type 2 magazines.

A type 2 magazine is a box, trailer, semitrailer, or other mobile facility.

(a) Outdoor magazines.

(1) General. Outdoor magazines are to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. They are to be supported to prevent direct contact with the ground and, if less than one cubic yard in size, must be securely fastened to a fixed object. The ground around outdoor magazines must slope away for drainage or other adequate drainage provided.

When unattended, vehicular magazines must have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) Exterior construction. The exterior and doors are to be constructed of not less than 1/4-inch steel and lined with at least two inches of hardwood. Magazines with top openings will have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.

(3) Hinges and hasps. Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) Locks. Each door is to be equipped with

(i) two mortise locks;

(ii) two padlocks fastened in separate hasps and staples;

(iii) a combination of a mortise lock and a padlock;

(iv) a mortise lock that requires two keys to open; or

(v) a three-point lock.

Padlocks must have at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks must be protected with not less than 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) Indoor magazines

(1) General. Indoor magazines are to be fire-resistant and theft-resistant. They need not be bullet-resistant and weather-resistant if the buildings in which they are stored provide protection from the weather and from bullet penetration.

No indoor magazine is to be located in a residence or dwelling. The indoor storage of high explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators must be stored in a separate magazine (except as provided in § 55.213) and the total quantity of detonators must not exceed 5,000.

(2) Exterior construction. Indoor magazines are to be constructed of wood or metal according to one of the following specifications:

(i) Wood indoor magazines are to have sides, bottoms and doors constructed of at least two inches of hardwood and are to be well braced at the corners. They are to be covered with sheet metal of not less than number 26-gauge (.0179 inches). Nails exposed to the interior of magazines must be countersunk.

(ii) Metal indoor magazines are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and be lined inside with a nonsparking material. Edges of metal covers must overlap sides at least one inch.

(3) Hinges and hasps. Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) Locks. Each door is to be equipped with

(i) two mortise locks;

(ii) two padlocks fastened in separate hasps and staples;

(iii) a combination of a mortise lock and a padlock;

(iv) a mortise lock that requires two keys to open; or

(v) a three-point lock.

Padlocks must have at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks must be protected with not less than 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter, if the door hinges and lock hasp are securely fastened to the magazine.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(c) Detonator boxes. Magazines for detonators in quantities of 100 or less are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and lined with a nonsparking material. Hinges and hasps must be attached so they cannot be removed from the outside. One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.209 Construction of type 3 magazines.

A type 3 magazine is a "day-box" or other portable magazine. It must be fire-resistant, weather-resistant, and theft-resistant. A type 3

magazine is to be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either 1/2-inch plywood or 1/2-inch Masonite-type hardboard.

Doors must overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside).

One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in type 3 magazines and must be removed to type 1 or 2 magazines for unattended storage.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.210 Construction of type 4 magazines.

A type 4 magazine is a building, igloo or "Army-type structure", tunnel, dugout, box, trailer, or a semitrailer or other mobile magazine.

(a) Outdoor magazines

(1) General. Outdoor magazines are to be fire-resistant, weather-resistant, and theft-resistant. The ground around outdoor magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) Construction. Outdoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Foundations are to be constructed of brick, concrete, cement block, stone, or metal or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the building is to be enclosed with fire-resistant material. The walls and floors are to be constructed of, or covered with, a nonsparking material or lattice work. The doors must be metal or solid wood covered with metal.

(3) Hinges and hasps. Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) Locks. Each door is to be equipped with

(i) two mortise locks;

(ii) two padlocks fastened in separate hasps and staples;

(iii) a combination of a mortise lock and a padlock;

(iv) a mortise lock that requires two keys to open; or

(v) a three-point lock.

Padlocks must have at least five tumblers and case-hardened shackle of at least 3/8 inch diameter. Padlocks must be protected with not less than 1/4 inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) Indoor magazine

(1) General. Indoor magazines are to be fire-resistant and theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather.

No indoor magazine is to be located in a residence or dwelling. The indoor storage of low explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators that will not mass detonate must be stored in a separate magazine and the total number of electric detonators must not exceed 5,000.

(2) Construction. Indoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors are to be constructed of, or covered with, a nonsparking material. The doors must be metal or solid wood covered with metal.

(3) Hinges and hasps. Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) Locks. Each door is to be equipped with

(i) two mortise locks;

(ii) two padlocks fastened in separate hasps and staples;

(iii) a combination of a mortise lock and padlock;

(iv) a mortise lock that requires two keys to open; or

(v) a three-point lock.

Padlocks must have at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter. Padlocks must be protected with not less than 1/4 inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened

shackle of at least 3/8 inch diameter, if the door hinges and lock hasp are securely fastened to the magazine.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.211 Construction of type 5 magazines.

A type 5 magazine is a building, igloo or "Army-type structure", tunnel, dugout, bin, box, trailer, or a semitrailer or other mobile facility.

(a) Outdoor magazines

(1) General. Outdoor magazines are to be weather-resistant and theft-resistant. The ground around magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) Construction. The doors are to be constructed of solid wood or metal.

(3) Hinges and hasps. Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) Locks. Each door is to be equipped with

(i) two mortise locks;

(ii) two padlocks fastened in separate hasps and staples;

(iii) a combination of a mortise lock and a padlock;

(iv) a mortise lock that requires two keys to open; or

(v) a three-point lock.

Padlocks must have at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter. Padlocks must be protected with not less than 1/4 inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

Trailers, semitrailers, and similar vehicular magazines may, for each door, be locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter, if the door hinges and lock hasp are securely fastened to the magazine and to the door frame.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(5) Placards. The placards required by Department of Transportation regulations at 49 CFR part 172, subpart F, for the transportation of blasting agents shall be displayed on all magazines.

(b) Indoor magazines

(1) General. Indoor magazines are to be theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather.

No indoor magazine is to be located in a residence or dwelling. Indoor magazines containing quantities of blasting agents in excess of 50 pounds are subject to the requirements of § 55.206 of this subpart.

(2) Construction. The doors are to be constructed of wood or metal.

(3) Hinges and hasps. Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) Locks. Each door is to be equipped with

(i) two mortise locks;

(ii) two padlocks fastened in separate hasps and staples;

(iii) a combination of a mortise lock and a padlock;

(iv) a mortise lock that requires two keys to open; or

(v) a three-point lock.

Padlocks must have at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter. Padlocks must be protected with not less than 1/4 inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter, if the door hinges and lock hasps are securely fastened to the magazine and to the door frame.

These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981, as amended by T.D. ATF-298, 55 FR 21863, May 30, 1990]

§ 55.212 Smoking and open flames.

Smoking, matches, open flames, and spark producing devices are not permitted:

(a) In any magazine;

(b) Within 50 feet of any outdoor magazine; or

(c) Within any room containing an indoor magazine.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.213 Quantity and storage restrictions.

(a) Explosive materials in excess of 300,000 pounds or detonators in excess of 20 million are not to be stored in one magazine unless approved by the Director.

(b) Detonators are not to be stored in the same magazine with other explosive materials, except under the following circumstances:

(1) In a type 4 magazine, detonators that will not mass detonate may be stored with electric squibs, safety fuse, igniters, and igniter cord.

(2) In a type 1 or type 2 magazine, detonators may be stored with delay devices and any of the items listed in paragraph (b)(1) of this section.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.214 Storage within types 1, 2, 3, and 4 magazines.

(a) Explosive materials within a magazine are not to be placed directly against interior walls and must be stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material may be used.

(b) Containers of explosive materials are to be stored so that marks are visible. Stocks of explosive materials are to be stored so they can be easily counted and checked upon inspection.

(c) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials are not to be unpacked or repacked inside a magazine or within 50 feet of a magazine, and must not be unpacked or repacked close to other explosive materials. Containers of explosive materials must be closed while being stored.

(d) Tools used for opening or closing containers of explosive materials are to be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet are to be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors are not to be stored in any magazine containing high explosives.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.215 Housekeeping.

Magazines are to be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors are to be regularly swept. Brooms and other utensils used in the cleaning and maintenance of magazines must have no spark-producing metal parts, and may be kept in magazines. Floors stained by leakage from explosive materials are to be cleaned according to instructions of the explosives manufacturer. When any explosive material has deteriorated it is to be destroyed in accordance with the advice or instructions of the manufacturer. The area surrounding magazines is to be kept clear of rubbish, brush, dry grass, or trees (except live trees more than 10 feet tall), for not less than 25 feet in all directions. Volatile materials are to be kept a distance of not less than 50 feet from outdoor magazines. Living foliage which is used to stabilize the earthen covering of a magazine need not be removed.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.216 Repair of magazines.

Before repairing the interior of magazines, all explosive materials are to be removed and the interior cleaned. Before repairing the exterior of magazines, all explosive materials must be removed if there exists any possibility that repairs may produce sparks or flame. Explosive materials removed from magazines under repair must be

(a) placed in other magazines appropriate for the storage of those explosive materials under this subpart, or

(b) placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been completed.
T.D. ATF-87, 46 FR 40384, Aug. 7, 1981.

§ 55.217 Lighting.

(a) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines.

(b) Electric lighting used in any explosives storage magazine must meet the standards prescribed by the "National Electrical Code," (National Fire Protection Association, NFPA 70-81), for the conditions present in the magazine at any time. All electrical switches are to be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

(c) Copies of invoices, work orders or similar documents which indicate the lighting complies with the National Electrical Code must be available for inspection by ATF officers.
[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

§ 55.218 Table of distances for storage of explosive materials.

Quantity of Explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways with traffic volume 3000 or less vehicles/day		Passenger railways--public highways with traffic volume of more than 3,000 vehicles bay		Separation of magazines	
		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

Table: AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES (December 1910), as Revised and Approved by the Institute of Makers of Explosives-July, 1991.

Notes to the Table of Distances for Storage of Explosives

(1) Terms found in the table of distances for storage of explosive materials are defined in § 55.11.

(2) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

(3) All types of blasting caps in strengths through No. 8 cap should be rated at 11/2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

(4) For quantity and distance purposes, detonating cord of 50 or 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981; T.D. ATF-400, 63 FR 44999, 45003, Aug. 24, 1998]

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§ 55.219 Table of distances for storage of low explosives.

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

Table: DEPARTMENT OF DEFENSE AMMUNITION AND EXPLOSIVES STANDARDS, TABLE 5-4.1 EXTRACT; 4145.27 M, March 1969

§ 55.220 Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Donor weight (pounds)		Minimum separation distance of acceptor from donor when barricaded (feet)		Minimum thickness of artificial barricades (inches)
Over	Not over	Ammonium nitrate	Blasting agent	
0	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Table: NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) OFFICIAL STANDARD NO. 492, 1968

Notes of Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents

(1) This table specifies separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate is to be included in the mass of the donor.

(2) When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table must be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like

which may enclose the "donor." Where explosives storage is in bullet-resistant magazines or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the table in § 55.218 are not required.

(3) These distances apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer issued by the Fertilizer Institute.[1] Ammonium nitrate failing to pass the test must be stored at separation distances in accordance with the table in § 55.218.

[1] Definition and Test Procedures for Ammonium Nitrate Fertilizer, Fertilizer Institute 1015-18th St. N.W. Washington, D.C. 20036.

(4) These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the U.S. Department of Transportation (49 CFR part 173).

(5) Earth or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

(6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the table in § 55.218.

[T.D. ATF-87, 46 FR 40384, Aug. 7, 1981]

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§ 55.221 Requirements for display fireworks, pyrotechnic compositions, and explosive materials used in assembling fireworks or articles pyrotechnic.

(a) Display fireworks, pyrotechnic compositions, and explosive materials used to assemble fireworks and articles pyrotechnic shall be stored at all times as required by this Subpart unless they are in the process of manufacture, assembly, packaging, or are being transported.

(b) No more than 500 pounds (227 kg) of pyrotechnic compositions or explosive materials are permitted at one time in any fireworks mixing building, any building or area in which the pyrotechnic compositions or explosive materials are pressed or otherwise prepared for finishing or assembly, or any finishing or assembly building. All pyrotechnic compositions or explosive materials not in immediate use will be stored in covered, non-ferrous containers.

(c) The maximum quantity of flash powder permitted in any fireworks process building is 10 pounds (4.5 kg).

(d) All dry explosive powders and mixtures, partially assembled display fireworks, and finished display fireworks shall be removed from fireworks process buildings at the conclusion of a day's operations and placed in approved magazines.

[T.D. ATF-293, 55 FR 3722, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45004, Aug. 24, 1998]

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§ 55.222 Table of distances between fireworks process buildings and between fireworks process and fireworks nonprocess buildings.

Net weight of fireworks1 (pounds)	Display fireworks2 (feet)	Consumer fireworks3 (feet)
0--100	57	37
101--200	69	37
201--300	77	37
301--400	85	37
401--500	91	37
Above 500	Not permitted4 5	Not Permitted4 5

[1] Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

[2] The distances in this column apply only with natural or artificial barricades. If such barricades are not used, the distances must be doubled.

[3] While consumer fireworks or articles pyrotechnic in a finished state are not subject to regulation, explosive materials used to manufacture or assemble such fireworks or articles are subject to regulation. Thus, fireworks process buildings where consumer fireworks or articles pyrotechnic are being processed shall meet these requirements.

[4] A maximum of 500 pounds of in-process pyrotechnic compositions, either loose or in partially-assembled fireworks, is permitted in any fireworks process building. Finished display fireworks may not be stored in a fireworks process building.

[5] A maximum of 10 pounds of flash powder, either in loose form or in assembled units, is permitted in any fireworks process building. Quantities in excess of 10 pounds must be kept in an approved magazine.

[T.D. ATF-293, 55 FR 3723, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45004, Aug. 24, 1998]

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§ 55.223 Table of distances between fireworks process buildings and other specified areas.

Net weight of fireworks1 (pounds)	Display fireworks1 (feet)	Consumer fireworks2 (feet)
0--100	200	25
101--200	200	50
201--300	200	50
301--400	200	50
401--500	200	50
Above 500	Not permitted	Not Permitted

[1] Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

[2] While consumer fireworks or articles pyrotechnic in a finished state are not subject to regulation, explosive materials used to manufacture or assemble such fireworks or articles are subject to regulation. Thus, fireworks process buildings where consumer fireworks or articles pyrotechnic are being processed shall meet these requirements.

[3] This table does not apply to the separation distances between fireworks process buildings (see § 55.222) and between magazines (see §§ 55.218 and 55.224).

[4] The distances in this table apply with or without artificial or natural barricades or screen barricades. However, the use of barricades is highly recommended.

[5] No work of any kind, except to place or move items other than explosive materials from storage, shall be conducted in any building designated as a warehouse. A fireworks plant warehouse is not subject to § 55.222 or this section, tables of distances.

[T.D. ATF-293, 55 FR 3723, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45004, Aug. 24, 1998]

§ 55.224 Table of distances for the storage of display fireworks (except bulk salutes).

Net weight of firework1 (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway3 4 (feet)	Distance between magazines2 3 (feet)
0--1000	150	100
1001--5000	230	150
5001--10000	300	200
Above 10000	Use Table §55.218	

[1] Net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

[2] For the purposes of applying this table, the term magazine" also includes fireworks shipping buildings for display fireworks.

[3] For fireworks storage magazines in use prior to (30 days from the date of publication of the final rule in the Federal Register), the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.

[4] This table does not apply to the storage of bulk salutes. Use table at § 55.218.

[T.D. ATF-293, 55 FR 3723, Feb. 5, 1990; T.D. ATF-400, 63 FR 44999, 45004, Aug. 24, 1998]

Attachment 7

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Washington, DC 20226

SAFE EXPLOSIVES ACT FACT SHEET

12/12/02

The Safe Explosives Act (the Act) was signed into law by the President on November 25, 2002. The legislation takes effect in two parts. The first two provisions outlined below are effective 60 days after enactment. The last three provisions outlined below are effective 180 days after enactment.

Effective January 24, 2003:

1. **New Prohibited Persons Categories:** The Act adds three new categories of persons prohibited from receiving or possessing explosives: (1) aliens (with limited exceptions); (2) persons who have been dishonorably discharged from the military; and (3) citizens of the United States who have renounced their citizenship. These categories have been added to the pre-existing list of prohibited persons, which includes felons; fugitives; users of, and persons addicted to, controlled substances; and persons who have been adjudicated mental defectives or committed to mental institutions. All prohibited persons are permitted to apply to the Bureau of Alcohol, Tobacco and Firearms (ATF) for relief from Federal explosives disabilities.

2. **Samples:** When requested by ATF, manufacturers and importers of explosive materials, including Ammonium Nitrate, must submit samples of these materials to ATF, as well as information on their chemical composition or other information. This will assist ATF in the identification of explosives found at crime scenes.

Effective May 24, 2003:

1. **Intrastate Permit:** Intrastate users of explosives must first obtain an ATF "limited permit" prior to receiving explosive materials. Intrastate users may include, for example, farmers or construction companies that acquire and use explosives infrequently and within their own State of residence. The limited permit will allow the purchaser to receive explosive materials from an in-State explosives licensee or permittee on no more than six (6) occasions during the period of the permit. The limited permit will be valid for one year. Currently, intrastate users are exempt from most provisions of Federal explosives law. By contrast, *interstate* users of explosives must obtain ATF user permits; importers, manufacturers, and dealers in explosive materials must obtain ATF licenses. The limited permit will not authorize the permittee to transport or use explosives interstate. This provision is significant, as ultimately all persons possessing explosive materials in either interstate or intrastate commerce must first obtain a Federal license or permit issued by ATF.

2. **New Required Industry Information for More Thorough ATF Background Checks:** ATF must approve an explosives license or permit application if, among other things, the applicant is not prohibited from possessing explosives. Responsible persons (e.g., facility site managers, corporate officers) will now be required to submit to ATF identifying information, fingerprints, and photographs. Employees of licensees and permittees who will be possessing explosive materials must submit only identifying information. ATF must issue "letters of clearance" for those responsible persons and possessor employees who are not prohibited from possessing explosives. If ATF determines that a responsible person or employee is subject to an explosives prohibition, ATF must provide specific information to the employer and to the prohibited person (e.g., advise of appeal procedures). This new provision is significant, as all persons possessing explosive materials in either interstate or intrastate commerce will have to undergo a background check conducted by ATF.

3. **Inspections:** Generally, ATF will have to physically inspect all ATF licensees and permittees at least once every three calendar years for compliance with Federal explosives storage regulations.

    - In the case of user permits and licenses, ATF must verify by visual inspection that new applicants and renewal applicants have places of storage for explosive materials that meet the standards of safety and security set forth in the regulations.

- In the case of new applicants for limited permits, ATF is not required to conduct a visual inspection of places of storage. Instead, ATF may verify by inspection or by "such other means as the Secretary determines appropriate" that there is acceptable storage. For the first and second renewal of limited permits, ATF may continue to verify storage by "such other means." However, if a field inspection has not been conducted during the previous three years, ATF must, for the third renewal and at least once every three years after that renewal, verify by a field inspection that the limited permittee has acceptable places of storage.

Attachment 8

Do you purchase or receive explosives without a Federal license or permit?

After May 24, 2003, you will no longer be able to purchase or receive explosives without a Federal license or permit.

This includes explosives purchases within your own State.

Please contact the Bureau of Alcohol, Tobacco and Firearms for more information:

The National Licensing Center at 404-417-2750, or
The Public Safety Branch at 202-927-2310, or
Visit the ATF website at www.atf.treas.gov.

ATF I 5400.4 (12-2002)

Attachment 9

ATF

Attachment 1

SECURITY CHECKLIST

VOLUNTARY ACTIONS EXPLOSIVES INDUSTRY MEMBERS CAN UTILIZE TO MAKE THEIR BUSINESSES MORE SECURE

(NOTE: Provided to Industry Members and ATF Inspectors)

I. SECURING YOUR MAGAZINE(S)/JOB SITE(S)/TRUCK(S)

1. Key(s) Access

a. Access to the keys to the magazine(s) has been restricted to essential personnel only. The keys are located in a secure, unmarked area, preferably not in a central location at the premises.

b. Keys to trucks loaded with explosives are secure and under the control of essential personnel.

c. Individuals using the keys are signing them in and out of a logbook.

d. If keys are not being shared, an inventory of keys has been conducted and all keys have been accounted for. New keys are numbered and assigned to individuals.

e. Magazine locks have been changed if keys are missing or were in the possession of terminated employees, or if adequate controls over whom has access to the keys are lacking.

2. Magazine Security

a. Magazines are being kept in a secure location.

b. Magazines are being visually inspected on a daily basis.

c. Weaknesses or vulnerabilities in the magazine's construction that may reduce its theft-resistant capabilities have been identified and corrected. (NOTE: Newly acquired magazines and changes in magazine construction must be promptly reported to the local ATF office in accordance with 27 CFR 555.63).

d. Local fire safety officials have been notified of all explosives storage locations within 48 hours of the commencement of storage activities (as required by 27 CFR 555.201).

e. Regular inventories are taken to ensure there have been no thefts/losses of explosive materials.

f. A clearly defined plan-of-action has been established for the recording and reporting of lost/stolen explosive materials. All applicable Federal, State, and local telephone numbers have been obtained in order to make a report.

3. Job Site Security

a. Access to job sites where explosives materials are stored and used has been limited to essential personnel only. Procedures are in place to restrict unauthorized personnel from the area.

b. Fences and locked gates have been installed. Security personnel have been properly trained for emergency situations and are available for securing the job site and magazines.

ATF

c. Floodlights, alarms, security cameras, or other security devices have been installed at storage locations making monitoring the job site easier.
d. Contact your local law enforcement agency and establish a rapport with the officers who routinely patrol your area. Familiarize them with your business hours so they will alert when people are present during off hours.
e. Know your neighbors and encourage them to be on alert for suspicious activity. Advise them that if they encounter a suspicious person or activity to call the police.
f. The open areas around the facility are not obstructed by shrubs, trees, large signs, or other barriers.

4. Knowing Who You Hire

a. Authorized personnel are trained and available to receive and promptly store explosives when delivered. Personnel have been adequately informed about emergency procedures.
b. A list of those responsible for the explosive materials has been recorded or updated. Those not on the list have been restricted from accessing the explosive materials.
c. Ensure that all responsible persons and employee possessors have current checks on file. Establish a program to review these checks and update them as required. Ensure that any prohibited persons are identified and removed from access to the explosive materials.

II. ADDITIONAL MEASURES TO SECURE YOUR FACILITY

1. Signage

a. Alarm monitoring service signs are posted in highly visible locations. The signage includes:
   i. No Trespassing
   ii. Private property
   iii. Closed Circuit TV
   iv. Patrolled
   v. No vehicles beyond this point
   vi. All visitors must check-in at front office
   vii. All visitors must be escorted

2. Surveillance

a. Closed Circuit TV surveillance cameras have been installed to monitor less visible or high risk areas.
b. Surveillance tapes are reviewed on a regular basis.
c. Additional security for pre-loaded trucks should be taken to include parking them in gated, well-lit areas.

3. Training

a. Employees involved with securing the explosives are utilized in security planning.
b. All employees are trained to spot suspicious individuals and behaviors. Employees have been trained to recognize what constitutes a suspicious customer or an unusual sales transaction.

ATF

III. SECURING THE DELIVERY/SALE OF EXPLOSIVE MATERIALS

1. **Vendors**
   a. Ensure that vendors that service your facility are well known. The telephone numbers of the vendors are readily available to call in case an unknown employee of the vendor comes to the facility.
   b. The vendors are required to check in and are issued an identification badge.
   c. The vendors are escorted throughout the facility.

2. **Things to Address When Making a Transfer**
   a. Know your customer.
   b. Make follow-up calls to verify receipt of materials by customer in quantity ordered.
   c. Be alert to those who:
      i. Pay in cash
      ii. Would not take delivery
      iii. Behave in an unusual manner
      iv. Do not know the product
      v. Ask questions about product manufacturing

3. **Receiving Deliveries**
   a. Procedures have been established to verify if the carrier's delivery is expected.
   b. The carrier's identification is being matched to shipping records for each transaction.

4. **Unloading and Securing Shipments**
   a. Procedures have been established to verify that explosives received are securely unloaded and stored.
   b. Procedures have been established for notifying the shipper of damaged or missing items immediately upon discovery.

5. **Inventories**
   a. Inventories of all explosives are validated and spot checked by a second party not affiliated with the taking of the original inventory to ensure the inventory is accurate.
   b. Date/shift codes have been recorded in the summary records for tracking purposes in case explosives are stolen.

Attachment 10

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226
www.atf.gov

902030:ARG
5400

Chief Mary Anne Viverette
President
International Association of Chief of Police
515 North Washington Street
Alexandria, Virginia 22314

Dear Chief Viverette:

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) respectfully requests the assistance of your association in distributing information pertinent to the safe and secure storage of explosive materials. It has come to ATF's attention that some State and local government entities may not be aware of the Federal requirements for the storage of explosive materials and for the reporting of materials that have been lost or stolen. ATF is seeking to correct this by reviewing the Federal requirements with these government entities.

Specifically, 18 U.S.C. 845(a)(3) exempts the transportation, shipment, receipt, or importation of explosives materials for delivery to any agency of the United States or any State or political subdivision. Federal law does not exempt State or local government entities from the storage requirements stipulated under 27 CFR, Part 555, Subpart K. As such, State and local government entities are required to store their explosive materials in accordance with Subpart K.

ATF has jurisdiction over the permanent storage of all explosive materials, including storage by State and local governments. However, ATF has not been mandated by Congress to inspect State and local magazines. Currently, inspection of State and local magazines has been on a voluntary basis. In the interest of public safety and in case of an emergency, ATF is requesting that agencies with magazines storing explosive materials voluntarily report the locations of these magazines to ATF. ATF will also continue to inspect these magazines upon request and offer its guidance to ensure that the storage requirements are being met. Any agency that is interested in having its magazines qualified by ATF may contact their local ATF office for assistance.

In addition to storage, Federal law 18 U.S.C. 842(k) states that any person who has knowledge of the theft or loss of any explosive materials must report such theft or loss within 24 hours of discovery to ATF. This law does not exempt State and local agencies. All individuals, including persons working for State and local law enforcement or other government agencies, must report

Chief Mary Anne Viverette

thefts or losses of explosive materials from their agency's storage to ATF within 24 hours of discovery. State entities include public universities; Departments of Transportation, Natural Resources, Agriculture; and others that may have a need to use and store explosives.

ATF has already been working extensively with the law enforcement community, including the International Association of Bomb Technicians and Investigators (IABTI) and the National Bomb Squad Commanders Advisory Board (NBSCAB), to develop effective strategies for the secure storage of explosive materials. Their efforts have been highly beneficial in our attempts to educate State and local bomb squads. We appreciate any assistance your association might also provide us in the distribution of this information. The safe and secure storage of explosives is essential to the prevention of the criminal misuse of these dangerous materials.

Should your association or any agency require further information, please feel free to contact ATF's Explosives Industry Programs Branch at 202-927-2310. Additional information, including the addresses and telephone numbers of local ATF offices, may be found on our website at www.atf.gov.

Sincerely yours,

Lewis P. Raden
Assistant Director
(Enforcement Programs and Services)

c: All ATF Special Agents in Charge
All Directors, Industry Operations

List of Addresses for Letters

~~Mr. Joseph G. Estey~~
President
International Association of Chief of Police
515 North Washington Street
Alexandria, Virginia 22314

Honorable Steve Carter
President
National Association of Attorneys General
750 First Street, NE, Suite 1100
Washington, DC 20002

Mr. James A. Burns
President
National Association of State Fire Marshals
1319 F Street, NW, Suite 301
Washington, DC 20004

Mr. Thomas N. Faust
Executive Director
National Sheriffs' Association
1450 Duke Street
Alexandria, Virginia 22314

Attachment 11

BILL SUMMARY

SAFE AND SECURE STORAGE OF EXPLOSIVE MATERIAL BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

- Requires States to submit to the Attorney General a report that specifies location at which State and local law enforcement agencies store or keep explosive materials.

- Requires the Attorney General to maintain an inventory of State and local law enforcement explosive materials storage sites.

- Requires the Attorney General to prescribe regulations for the secure storage of State and local law enforcement agencies explosive materials and shall at a minimum require such storage sites be subject to video surveillance or an alarm system capable of notifying the agency of unauthorized entry.

- Establishes a penalty for failure to comply. Specifically, a State that fails to comply will not receive 10 percent of the funds that the State would receive under existing grant programs of the Department of Justice.

- Establishes a matching grant program in the amount of $10 million to cover the cost of explosive storage facility security enhancements.

(Original Signature of Member)

9/29/04

108TH CONGRESS
2D SESSION

H. R. 5162

To provide for the safe and secure storage of explosive materials by State and local law enforcement agencies.

IN THE HOUSE OF REPRESENTATIVES

Mr. SHAYS (for himself and Mr. LANTOS) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the safe and secure storage of explosive materials by State and local law enforcement agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAFE AND SECURE STORAGE OF EXPLOSIVE MATERIALS BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) REPORTS ON LOCATIONS, TYPES, AND AMOUNTS OF STORED EXPLOSIVE MATERIALS.—

(1) INITIAL REPORTS.—Within 6 months after the date of the enactment of this Act, each State shall submit to the Attorney General a written report that specifies each location at which any law enforcement agency operating under State law stores or keeps explosive materials that have been shipped or transported in interstate or foreign commerce, and the types and amounts of such materials stored or kept at the location.

(2) SUBSEQUENT REPORTS.—At such times as the Attorney General shall provide in regulations, each State shall submit to the Attorney General a written report that updates the most recent report submitted by the agency pursuant to this subsection.

(b) REGULATIONS GOVERNING STORAGE OF EXPLOSIVE MATERIALS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall prescribe final regulations governing the storage and keeping by State and local law enforcement agencies of explosive materials that have been shipped or transported in interstate or foreign commerce. The regulations shall set forth the standards of public safety and security against theft which any place at which explosive materials that have been shipped or transported in interstate or foreign commerce are so stored or kept shall meet, and shall, at a

minimum, require any such place to be subject to video surveillance or to have in operation an alarm system capable of notifying the agency of unauthorized entry.

(c) INSPECTION AUTHORITY.—The Attorney General may enter during business hours any place where a State or local law enforcement agency stores or keeps explosive materials that have been shipped or transported in interstate or foreign commerce, for the purpose of inspecting the explosive materials and determining whether the materials are being stored or kept in compliance with the regulations prescribed under subsection (b).

(d) AUTHORITY TO IMPOSE PENALTY FOR NONCOMPLIANCE.—

(1) AUTHORITY TO REDUCE GRANTS.—If a State or local law enforcement agency fails to comply with this section or any regulation prescribed under this section, the Attorney General may reduce by 10 percent the funds that the agency would otherwise receive, or would otherwise be allocated, under any grant program of the Department of Justice.

(2) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State or local law enforcement agency by reason of paragraph (1) shall be reallocated to other State or local law enforcement

agencies whose grants are not reduced by reason of paragraph (1).

SEC. 2. MATCHING GRANTS.

(a) APPLICATION.—A State or local law enforcement agency may submit to the Attorney General an application for a grant under this section, which shall contain—

(1) a good faith estimate of the total amount the agency will need to expend to comply with the regulations prescribed under section 1(b); and

(2) a certification that the agency has obtained commitments to receive from State or local sources sums totalling not less than ½ of the amount referred to in paragraph (1), and will expend the sums to achieve such compliance.

(b) GRANT AUTHORITY.—The Attorney General may make a grant under this section to an applicant therefor if—

(1) the application contains the information required by subsection (a)(1) of this section; and

(2) the applicant has submitted to the Attorney General all reports required from the applicant by or under section 1(a).

(c) AMOUNT OF GRANT.—The amount of the grant to be made to an applicant under this section shall not

exceed ½ of the amount set forth in the application pursuant to subsection (a)(1).

(d) USE OF GRANT.—An applicant who receives a grant under this section shall use the grant only to cover the cost of complying with the regulations prescribed under section 1(b).

(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For grants under this section, there are authorized to be appropriated to the Attorney General $10,000,000, without fiscal year limitation.

SEC. 3. DEFINITIONS.

In this Act:

(1) EXPLOSIVE MATERIALS.—The term "explosive materials" has the meaning given in section 841(c) of title 18, United States Code.

(2) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" does not include any component of the National Guard.

(3) STATE.—The term "State" includes the District of Columbia.

U.S. House of Representatives

Congress: 108th
Session: 2nd
Date: September 28, 2004

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following sponsors are hereby added to:

H.R. _____ H.Con. Res. _____
H.J. Res. _____ H.Res. _____

1) Mrs. Anna Eshoo (CA-14)
2) _____
3) _____
4) _____
5) _____
6) _____
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Member Signature: _____